IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.48136 -M OF 2006

DATE OF DECISION: SEPTEMBER 8, 2006

Bachitter alias Roda

....PETITITIONER

VERSUS

State of Punjab ....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Sanjay Gupta, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Bachitter alias Roda has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.89 dated 6.5.2005 registered under Sections 15/61/85 of the NDPS Act at Police Station Payal, Distt.Ludhiana.

The affidavit filed by Kuldeep Singh, DSP, Payal is taken on record.

I have heard the counsel for the parties and gone through the contents of the FIR.

In this case, 90 Kgs. of poppy husk was alleged to have been recovered from the possession of the petitioner on the spot. Counsel for the petitioner contends that the petitioner is in custody since 6.5.2005 and till date no witness has been examined. Counsel for the respondent-State on instructions from ASI Satwant Singh submits that the prosecution will examine all the prosecution witnesses within five months.

Keeping in view of the aforesaid facts and the provisions of Section 37 of the NDPS Act, I am not inclined to grant regular bail to the petitioner at this stage.

Dismissed at this stage.

However, the trial Court is directed to expedite the trial.

September 8, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE